

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Petitioner,

Case No. 1:11-cv-603

v.

Honorable Robert J. Jonker

CARMEN PALMER,

Respondent.

ORDER OF TRANSFER

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. Petitioner was convicted of kidnapping in the Wayne County Circuit Court and was sentenced to imprisonment of twenty-two to seventy-five years.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where the petitioner is in custody or in the district in which the petitioner was convicted. 28 U.S.C. § 2241(d). Petitioner is presently incarcerated at the St. Louis Correctional Facility, located in Gratiot County. As set forth above, Petitioner was convicted in Wayne County. Both Gratiot and Wayne Counties are located in the Eastern District of Michigan. 28 U.S.C. § 102(a). Venue, therefore, lies in that district, not in the Western District of Michigan.

Accordingly, **IT IS ORDERED** that this case is hereby transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a).

Dated: June 24, 2011

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge